

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3778 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

RAJUJI MAGANJI PARMAR

Versus

SABARKANTHA DISTRICT PANCHAYAT

Appearance:

MR SV PARMAR for Petitioner

MR BP TANNA for Respondent No. 1

SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 17/01/98

ORAL JUDGEMENT

1. The petitioner-driver filed a petition
apprehending termination on account of his non selection
at the regular selection.The interim relief was refused.

However, it appears that the petitioner might have been continued in service.

2. As regards his non selection, in the affidavit in reply, it is stated that the Panchayat Service Selection Committee had not included the petitioner in the selection list because the petitioner was lower in merit. It is submitted in para 7 of the reply that the selection committee had decided a cut off line at 46 marks and all the candidates who had obtained more than 46 marks were considered for selection and 10 candidates were selected. As the petitioner was lower in merit, he was not selected.

3. The learned Counsel for the petitioner submits that the passing standard for written and oral test was 40 marks and the petitioner has got more than 40 marks. In the affidavit in rejoinder, it is stated that the petitioner has got 46 marks. However, no such averment has been made in the petition and no basis is shown as to how the petitioner has learnt that he has got 46 marks. The affidavit in reply is very categorical that all those persons who had got 46 marks have been selected and the petitioner was lower in merit and, therefore, he was not selected. Hence, it cannot be believed that the petitioner had got 46 marks. The petitioner's claim that he has passed the written and oral test is not sufficient to get selected when there are limited number of posts. The selection has to be on some objective criteria like order of merit and the selection committee has selected required number of 10 persons who had secured 46 or more marks. There is no infirmity in the selection. Hence, the petitioner cannot get any relief.

4. The petitioner has also made a claim for regularisation. The very fact that after 1986, no grievance has been made by the petitioner and since neither side has any further instructions, it appears that the petitioner's grievance does not survive. Hence rule discharged. No order as to costs.
